

REMARKS

Claims 1-2 and 6-10 are pending in the present application. Claim 8 has been amended to clarify the claim language only. Support for the amendment is found in the Specification as filed at least in Figure 10. Claims 3-5 were previously cancelled in accordance with a Response to Restriction Requirement filed November 7, 2002. No new matter is added. The rejections are respectfully traversed in light of the amendments and following remarks, and reconsideration is requested.

Rejections In View of Hara

Claims 8 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hara (U.S. Patent No. 5,125,472). In particular, the Examiner writes in part:

Hara discloses a vehicle occupant restraint system comprising . . . a pipe member (17) having a flattened surface (16) for engaging the vehicle occupant.

Applicants submit that Hara only discloses a cylindrical "shaft 17" operably attached to a separate "plate 16" which defines a surface for engaging the vehicle seat. (Hara, column 3, Figures 2-4). Hara does not disclose or suggest that the pipe member itself has a flattened wall portion.

Furthermore, Applicants submit that Hara only discloses that shaft 17 is used as a pivot shaft and is not adapted to be actuated upward. (Hara, Figure 2-5). Hara does not disclose or suggest a cross member adapted to be actuated upward as claimed by Applicants.

In contrast, Claim 8 recites "a cross member extending between free ends of said arms; and a power unit provided in association with at least one of said support members for actuating said arms and cross member upward so as to selectively raise a front part of said seat bottom in an impact situation such as a vehicle crash; wherein said cross member

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comprises a pipe member having a wall flattened from an otherwise cylindrical profile to define a planar surface for engaging the vehicle occupant. Because Hara does not disclose or suggest all the limitations as recited in Claim 8, Claim 8 is patentable over Hara.

Claim 9 is dependent on Claim 8 and contains additional limitations that further distinguish it from Hara. Therefore Claim 9 is patentable over Hara for at least the same reasons provided above with respect to Claim 8.

Rejections In View of Yamaguchi et al. (U.S. Patent No. 6,113,185)
and Yamaguchi et al. (U.S. Patent No. 6,450,573)

Claims 1-2 and 6-7 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yamaguchi et al. (U.S. Patent No. 6,113,185 hereinafter "the '185 patent").

Claims 8 and 9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yamaguchi et al. (U.S. Patent No. 6,450,573 hereinafter "the '573 patent").

An affidavit has been filed in accordance with 37 C.F.R. § 1.132, declaring that Hiroyoshi Yamaguchi is the sole inventor of all the subject matter disclosed in the '185 patent that is claimed in Claims 1-2 and 6-7 in the present application and that Hiroyoshi Yamaguchi is the sole inventor of the subject matter in Claims 1-2 and 6-7. The affidavit further declares that Hiroyoshi Yamaguchi is the sole inventor of all the subject matter disclosed in the '573 patent that is claimed in Claims 8-9 in the present application and that Hiroyoshi Yamaguchi is the sole inventor of the subject matter in Claims 8-9. Therefore, the '185 patent and the '573 patent do not disclose prior art inventions "by another" under 35 U.S.C. § 102(e) for Claims 1-2 and 6-7, and 8-9, respectively, and, thus, should properly be removed as 102(e) prior art references for the corresponding claims. (See MPEP 706.02(b)). Accordingly, Claims 1-2 and 6-7, and 8-9 are patentable over the '185 patent and the '573 patent, respectively.

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Allowable Subject Matter

Applicants wish to thank the Examiner for the indication that Claim 10 has been allowed.

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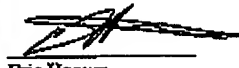
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CONCLUSION

For the above reasons, Applicants believe pending Claims 1-2 and 6-10 are now in condition for allowance and allowance of the Application is hereby solicited. If the Examiner has any questions or concerns, the Examiner is hereby requested to telephone Applicants' Attorney at (949) 752-7040.

Certification of Facsimile Transmission

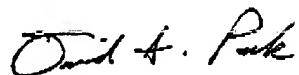
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.



Eric Hoover

February 12, 2004

Respectfully submitted,



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